

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS**

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<b>LAURA ALLEN, INDIVIDUALLY; And As</b>	)	
<b>ADMINISTRATRIX OF THE ESTATE</b>	)	
<b>OF DANIEL ALLEN; And AS NEXT FRIEND</b>	)	
<b>OF TAYLOR ALLEN AND DANIELLE</b>	)	
<b>ALLEN; And MARK ALLEN,</b>	)	
	)	
<b>Plaintiffs;</b>	)	<b>CIVIL ACTION</b>
	)	<b>No.: 05-40048-FDS</b>
<b>v.</b>	)	
	)	
<b>MARTIN SURFACING, A Division of</b>	)	
<b>SOUTHWEST RECREATIONAL</b>	)	
<b>INDUSTRIES; SOUTHWEST</b>	)	
<b>RECREATIONAL INDUSTRIES, INC., d/b/a</b>	)	
<b>MARTIN SURFACING; RONALD L.</b>	)	
<b>GLASS, As he is Trustee in Bankruptcy for</b>	)	
<b>Southwest Recreational Industries, Inc., And</b>	)	
<b>REED J. SEATON,</b>	)	
	)	
<b>Defendants.</b>	)	
	/	

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**PLAINTIFFS' THIRD PROPOSED SCHEDULING ORDER**

Plaintiffs, by and through their substitute counsel, Michael R. Hugo and Anthony Tarricone, respectfully ask that this Honorable Court enter the following dates as the replacement scheduling order in this action. All prior Orders regarding substitution of proper parties and initial discovery have been complied with, and as of the time of hearing, only proper parties to the case remain.

The undersigned has conferred with counsel for the remaining defendants, and has been informed that new counsel has not received sufficient information to proceed with a scheduling

order, however, in an effort to prevent further unwarranted aging of this case, counsel for the Plaintiffs submits the following proposed scheduling order for the Court's consideration.

Accordingly, the Plaintiffs suggest and ask for the adoption of the following schedule:

1. **ANSWER and/or Rule 12 and 15 Motions of the Defendants:** To enable new defense counsel to procure documentation, to familiarize themselves with the proceedings to date, and frame appropriate responses to the Third Amended Complaint: **30 Days, expiring on June 30, 2006.**
2. **Discovery:**
  - a. All mandatory disclosures pursuant to Local Rule 26.1 and F.R.Civ.P 26(a)(1): **30 Days, expiring on June 30, 2006.**
  - b. All non-redundant requests for production of documents, Requests for Admissions and interrogatories, shall be served in such a manner that all responses thereto will be made **no later than April 30, 2007.**
  - c. All depositions, with the exception of expert depositions shall be completed **no later than April 30, 2007.**
  - d. Rule 26 Expert Disclosures and reports shall be exchanged by the parties **no later than May 31, 2007.**
  - e. All Expert Depositions shall be completed prior to **June 30, 2007.**
  - f. All discovery shall be concluded **prior to June 30, 2007.**
3. **Dispositive Motions**
  - a. All Rule 56 Summary Judgment Motions shall be served no later than **July 31, 2007.**

- b. Opposition papers and materials to Rule 56 Summary Judgment Motions shall be served within 30 days, prior to August 31, 2007.
- c. All Motions *in limine*, including *Daubert* challenges to expert witnesses must be filed 45 days prior to trial.
- d. All opposition papers shall be filed 15 days prior to trial.
- e. All replies to opposition filings shall be filed 7 days prior to trial.

4. **Trial:**

- a. There shall be a Final Pretrial Conference set on \_\_\_\_\_, 2007.

This matter shall be Set for Trial on \_\_\_\_\_, 2007.

Dated: May 31, 2006

Respectfully Submitted,  
The Plaintiffs,  
By their counsel

/S/ Michael R. Hugo  
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**CERTIFICATE OF SERVICE**

I, Michael R. Hugo, certify that on this 31<sup>st</sup> day of May, 2006, I caused all counsel of record to be served the within PLAINTIFFS' PROPOSED SCHEDULING ORDER , via the Electronic Court Filing system.

/S/ Michael R. Hugo

**SO ORDERED:**

This 1<sup>st</sup> day of June, 2006

F. Dennis Saylor, USDJ